



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.  
Secretary of Natural Resources

NORTHERN VIRGINIA REGIONAL OFFICE  
13901 Crown Court, Woodbridge, Virginia 22193  
(703) 583-3800 Fax (703) 583-3801  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

David K. Paylor  
Director

Jeffery A. Steers  
Regional Director

### STATE AIR POLLUTION CONTROL BOARD ORDER BY CONSENT ISSUED TO AMERICAN WOODMARK DEQ Air Facility Registration No. 40513

#### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1307 (D), § 10.1-1309 and 10.1-1316 (C), between the State Air Pollution Control Board (SAPCB) and American Woodmark for the purpose of resolving certain alleged violations of the Air Pollution Control Law and/or regulations as specified in Section C of this Order.

#### **SECTION B: Definitions**

Unless the context indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
2. "Btu" means British Thermal Unit, a unit of heat energy equal to the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit at sea level.
3. "CFR" means The Code of Federal Regulations.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality.
6. "FSO" means the Fredericksburg Satellite Office of the Northern Virginia Regional Office of DEQ, located at 806 Westwood Office Park, Fredericksburg, Virginia 22401.

7. "Hurst Boiler" refers to the wood-fired boiler manufactured by the Hurst Boiler Company, Model HW-6500-150, with a maximum rated heat input capacity of 44,300,000 Btu per hour; a maximum wood fuel feed rate of 7,000 pounds per hour; and a maximum rated steam output capacity of 34,500 pounds per hour.
8. "NVRO" means DEQ's Northern Virginia Regional Office, located at 13901 Crown Court, Woodbridge, Virginia 22193-1453.
9. "Order" means this document, also known as a Consent Order.
10. "Particulate Matter," "PM," or "Particulates" means fine liquid or solid particles such as dust, smoke, mist, fumes or smog, found in air or emissions.
11. "1985 Permit" means Stationary Source Permit to Install and Operate, issued to American Woodmark on August 27, 1985.
12. "2001 Permit" means Stationary Source Permit to Operate, originally issued to American Woodmark on May 22, 1987 and subsequently amended on March 2, 2001.
13. "Regulations" refers to the Regulations for the Control and Abatement of Air Pollution for the Commonwealth of Virginia.
14. "VAC" means Virginia Administrative Code.
15. "Va. Code" means the Code of Virginia (1950), as amended.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. American Woodmark owns and operates the Facility located at 281 Kentucky Road, Orange, Virginia 22960-1200 (Orange County).
2. On June 16, 2005, Air Systems Testing, Inc. of Land O Lakes, Florida conducted quantitative tests for PM, carbon monoxide, and nitrogen oxides emissions from the Hurst Boiler at the Facility. Stack test results were received by DEQ's FSO on August 2, 2005.
3. The average PM emissions during the June 16, 2005, testing on the Hurst Boiler were reported at 0.237 pounds per million Btu and 8.52 pounds per hour. Condition I.4. of the August 27, 1985 Permit limits PM emissions to no more than 0.21 pounds per million Btu and 9.33 pounds per hour. During the June 16, 2005 testing, the Hurst Boiler had reported operating parameters (i.e., heat input and steam output) within permitted boiler design operating capacity.
4. Permit Condition II.11. of the Facility Permit issued August 27, 1985 requires that in the event the permittee does not comply or will not be able to comply with the emission limitations or other conditions specified in the Permit, the permittee shall provide in writing, to the DEQ, the following information as soon as

possible but no later than five days after such conditions become known to the permittee:

- (a) Description of noncompliance;
- (b) Cause of noncompliance;
- (c) Anticipated time the noncompliance is expected to continue or, if corrected, the actual duration of noncompliance;
- (d) Steps taken by the permittee to minimize or eliminate the noncompliance; and
- (e) Steps taken by the permittee to prevent recurrence of the noncompliance.

As of November 17, 2005, DEQ had received no other correspondence from American Woodmark regarding the August 2, 2005 test result submittal.

- 5. DEQ issued American Woodmark a Notice of Violation (NOV) on December 14, 2005 for exceedence of the PM emission limit established by the August 27, 1985 Permit and failure by American Woodmark to provide DEQ, in writing, the information required by and in accordance with Permit Condition II.11.
- 6. On March 24, 2006, DEQ conducted a compliance inspection of the Facility and observed fugitive sawdust emissions being discharged into the atmosphere from Cyclone G during plant operation. 2001 Permit Condition 4 requires that fugitive PM emissions be controlled by the covering of all conveyors or complete enclosure. American Woodmark acknowledged that there had been two cracks in the ductwork that caused the fugitive emissions.
- 7. During the a follow-up inspection on April 3, 2006, DEQ did not find acceptable evidence to demonstrate that American Woodmark has developed maintenance procedures for minimizing emissions as the SAPCB may require by 2001 Permit Condition 16.a. and 9 VAC 5-50-20 (E). American Woodmark acknowledged during the meeting that it does not have a maintenance schedule specifically for the detection of fugitive emissions.
- 8. DEQ issued American Woodmark an NOV on April 14, 2006, for failure to control fugitive PM emissions and failure to provide DEQ with evidence of a maintenance schedule and record for detecting fugitive emissions.
- 9. On May 4, 2006, DEQ FSO received a response to the April 2006 NOV dated May 3, 2006 that included a Pneumafil and cyclone PM schedule and blank templates of maintenance records for the Hurst Boiler. The schedule noted the month and year tasks were last completed, but neither it nor the templates contained any information pertaining to the integrity of the ductwork.

10. On May 31, 2006, a meeting was conducted between American Woodmark and DEQ to discuss the April 2006 NOV and DEQ's intent to address the violations with this Order.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1307 (D), §10.1-1309 and § 10.1-1316 (C), the Board orders American Woodmark to comply with the specific actions given in Appendix A of the Order. American Woodmark also agrees to pay a civil charge in the amount of five thousand nine hundred dollars (\$5,900.00) within 30 days of the effective date of the Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, VA 23240

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of American Woodmark for good cause shown by American Woodmark, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein, including those matters addressed in the NOVs issued to American Woodmark by DEQ on December 14, 2005 and April 14, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, American Woodmark neither admits nor denies the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. American Woodmark consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. American Woodmark declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall

be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by American Woodmark to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. American Woodmark shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or other such circumstance. American Woodmark must show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. American Woodmark shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. The reasons for the delay or noncompliance;
  - b. The projected duration of any such delay or noncompliance;
  - c. The measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. The timetable by which such measures will be implemented and the date full compliance will be achieved.


Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and American Woodmark. Notwithstanding the foregoing, American Woodmark agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to American

Woodmark. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve American Woodmark from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, American Woodmark voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 10<sup>th</sup> day of SEPTEMBER, 2006.

  
Jeffery A. Steers, NVRO Regional Director  
Department of Environmental Quality

American Woodmark voluntarily agrees to the issuance of this Order.

By: Michael Stickle

Title: Plant Manager

Date: 9-13-06

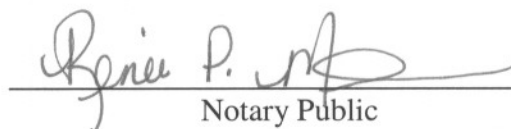
Commonwealth of Virginia

City/County of Orange

The foregoing document was signed and acknowledged before me this 13<sup>th</sup> day of

September, 2006, by Michael Stickle, who is  
(name)

Plant Controller of American Woodmark, on behalf of the Corporation.  
(title)

  
Notary Public

My commission expires: September 30, 2007



## APPENDIX A

1. American Woodmark shall complete installation of replacement particulate matter air pollution control equipment (APCE) no later than December 31, 2006. Prior to commencing construction of the particulate matter APCE, American Woodmark shall provide DEQ (NVRO Air Compliance Manager at DEQ-FSO) details of the equipment, including but not limited to the following information:
  - a. air pollution control equipment type (e.g., cyclone, multicyclone, etc.);
  - b. manufacturer and model number;
  - c. design control efficiency (percent);
  - d. design outlet particulate matter concentration (pounds per million Btu);
  - e. design pressure drop (in. H<sub>2</sub>O);
  - f. monitoring instrumentation (specify type and recorder used);
2. After installation of the replacement particulate matter APCE, American Woodmark shall conduct a performance test for the determination of particulate matter emissions on the Hurst Boiler in accordance with procedures approved by DEQ. The first such test shall be conducted no later than January 31, 2007. Depending on the results of the 'initial' performance test, subsequent tests will be required based on the following criteria:
  - a. If average particulate matter concentration is greater than or equal to 0.19 pounds per million Btu but less than 0.20 pounds per million Btu, subsequent tests shall occur no later than 60 months from the initial test event;
  - b. If average particulate matter concentration is greater than or equal to 0.20 pounds per million Btu, subsequent tests shall occur no later than 24 months from the initial test event.

American Woodmark shall send DEQ a test protocol at least 30 days prior to each test event. American Woodmark shall send DEQ (NVRO Air Compliance Manager at DEQ-FSO mailing address) two copies of the test results within 45 days after completion of each test event and the test reports shall conform to the enclosed test report format. Any details not included in the test protocol are to be presented to the NVRO Air Compliance Manager for review and concurrence prior to the date of each test event. Nothing stated herein shall prevent additional testing as authorized by 9 VAC 5-50-30 G.
3. The performance tests shall be conducted under conditions which DEQ shall specify to American Woodmark based on representative performance of the source. American Woodmark shall make available to DEQ such records (e.g., fuel feed rate, boiler steam production, air pollution control equipment parameters, etc.) as may be necessary to determine the conditions of the performance tests. Operation during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for at least 60 minutes and under the conditions specified in the applicable standard. For the purpose of determining compliance with the applicable standard, the arithmetic mean of the results of the three runs shall apply. In the event that a sample is accidentally lost or if conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other

circumstances beyond American Woodmark's control, compliance may, upon approval by DEQ, be determined using the arithmetic mean of the results of the two other runs.

4. Concurrently with the 'initial' performance test required in Condition 2 of this Appendix, American Woodmark shall conduct opacity observations on the Hurst Boiler in accordance with EPA Reference Method 9 (40 CFR Part 60, Appendix A). The minimum total time of opacity observations shall be three hours for the performance tests. American Woodmark shall report the opacity results along with the results of the 'initial' performance test. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the performance test, American Woodmark shall reschedule the opacity observations as soon after the performance test as possible but not later than 30 days thereafter, and shall advise DEQ (NVRO Air Compliance Manager at DEQ-FSO mailing address) of the rescheduled date. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the 'initial' performance test. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the 'initial' performance test in accordance with procedures contained in Reference Method 9.
5. In addition to opacity observations done in conjunction with the 'initial' performance test referenced above, American Woodmark shall conduct weekly opacity observations on the Hurst Boiler in accordance with EPA Method 9 for four (4) consecutive weeks following the initial performance test conducted. Each test shall consist of five (5) sets of twenty-four consecutive observations (at 15 second intervals) to yield a six-minute average. Depending on the results of these opacity observations, subsequent tests will be required based on the following criteria:
  - a. If average visible emissions during any one six-minute period is greater than or equal to 20 percent opacity, subsequent opacity observations shall be conducted weekly for an additional four weeks under the same terms as described above;
  - b. If average visible emissions during any one six-minute period is greater than or equal to 10 percent opacity but less than 20 percent opacity, subsequent opacity observations shall be conducted once each month under the same terms as described above.American Woodmark shall send DEQ the results of each opacity observation within two weeks after completion of the observation.
6. No later than December 31, 2006, American Woodmark shall provide DEQ (NVRO Air Compliance Manager at DEQ-FSO mailing address) a description and details of all physical changes made to or changes made in the method of the 'operation of the Hurst Boiler' since the Permit was issued on August 27, 1985. For the purposes of this action item, 'operation of the Hurst Boiler' includes the boiler itself, its combustion air handling & supply system, its fuel handling & supply system, the particulate control system and the boiler exhaust system.
7. Within 60 days of the effective date of this Order, American Woodmark shall provide DEQ (NVRO Air Compliance Manager at DEQ-FSO mailing address) the current



specifications and limitations on the particulate matter emission guarantees provided by the Hurst Boiler and associated multi-cyclone manufacturer.

8. American Woodmark shall submit quarterly maintenance records of all maintenance activities to DEQ for review and approval, due March 31, June 30, September 30, and December 31 of each year for the life of this Order. The records shall capture the maintenance of all air pollution control equipment, monitoring devices, and process equipment, and should reflect particular attention given to the integrity of the ductwork and associated equipment for breaches, leaks, and etc. where sawdust emissions could potentially escape.

## **SOURCE TESTING REPORT FORMAT**

### Cover

1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in Permit or registration)
3. Tester; name, address, and report date

### Certification

1. Signed by team leader / certified observer (include certification date)
- \* 2. Signed by reviewer

### Introduction

1. Test purpose
2. Test location, type of process
3. Test dates
- \* 4. Pollutants tested
5. Test methods used
6. Observers' names (industry and agency)
7. Any other important background information

### Summary of Results

1. Pollutant emission results / visible emissions summary
2. Input during test vs. rated capacity
3. Allowable emissions
- \* 4. Description of collected samples, to include audits when applicable
5. Discussion of errors, both real and apparent

### Source Operation

1. Description of process and control devices
2. Process and control equipment flow diagram
3. Process and control equipment data

### \* Sampling and Analysis Procedures

1. Sampling port location and dimensioned cross section
2. Sampling point description
3. Sampling train description
4. Brief description of sampling procedures with discussion of deviations from standard methods
5. Brief description of analytical procedures with discussion of deviation from standard methods

### Appendix

- \* 1. Process data and emission results example calculations
2. Raw field data
- \* 3. Laboratory reports
4. Raw production data
- \* 5. Calibration procedures and results
6. Project participants and titles
7. Related correspondence
8. Standard procedures

\* Not applicable to visible emission evaluations.